

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael D. Brooks,)	Civil Action No.: 4:14-cv-3629-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Investigator Justin Head;)	
Investigator Banister,)	
)	
Defendants.)	
)	

Plaintiff Michael D. Brooks (“Plaintiff”), a state pretrial detainee proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against the above named Defendants on September 12, 2014. *See* Compl., ECF No. 1. Plaintiff alleges that Defendants violated his constitutional rights, and requests that this Court have his state charges dismissed and award him monetary damages. *See id.* at 6. The matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 45. In the Report and Recommendation, the Magistrate Judge recommends that the Court abstain from issuing the injunctive relief requested by Plaintiff and dismiss this equitable claim with prejudice. *See id.* at 4. The Magistrate Judge also recommends that the Court stay Plaintiff’s § 1983 claim for monetary damages pending a final determination of the State’s pending criminal action against him. *See id.* at 6.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a

de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Plaintiff’s claim for injunctive relief is dismissed *with prejudice*. **IT IS FURTHER ORDERED** that Plaintiff’s § 1983 claim for monetary damages is **STAYED** pending a final determination of the State’s pending criminal action against him. The parties are directed to notify the Court upon disposition of the State criminal matter.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
February 6, 2015